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United States Department of State

Washington, D. C. 20520

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BRIEFING MEMORANDUM

S/S

TO: P - Mr. Kanter

FROM: EAP - Richard H. Solomon *mm/jar HS*

SUBJECT: Meeting with Chinese Vice Minister of Justice Lu Jian  
Friday, May 8  
1:30 p.m.

I. PURPOSE:

- o Convince the Justice Ministry to find a means to allow U.S. Customs visits to facilities suspected of exporting prison-made goods to the U.S. in order to conclude during your visit an MOU on prison labor.
  - We should encourage Justice to incorporate into the draft MOU the oral understanding on prison visits reached by the Secretary and his counterpart in November, and to allow visits by Customs officials accredited to our embassy in Beijing.
  - We can avoid a potential confrontation without compromising Chinese sovereignty by adopting this pragmatic solution.
  - If we are unable to obtain a clear commitment to allow visits, Congress could require stronger trade-restricting enforcement measures or curtail or condition China's MFN status.
- o Urge Justice to provide updated information on the welfare of well-known political and religious prisoners and reiterate the necessity of allowing international monitoring of such prisoners.

II. PARTICIPANTS

U.S.

China

Under Secretary Kanter  
Ambassador Roy

Vice Minister Lu Jian

Attachments:

- Tab 1 - Talking Points
- Tab 2 - Political Prisoner List
- Tab 3 - Religious Prisoner List
- Tab 4 - Biographic Information

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: ROBERT MILLER  
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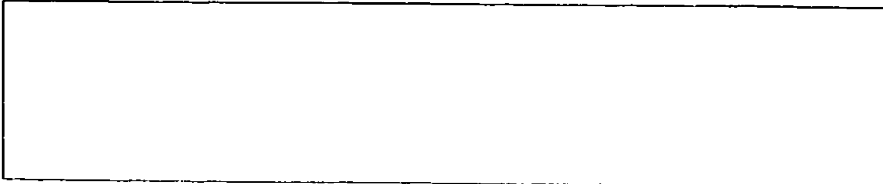
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III. KEY POINTS

PRISON LABOR

- o In July 1991 the President instructed the Department to negotiate an MOU with the PRC to ensure that Chinese prison-made exports do not enter the U.S.
  - Congress pulled the issue into the MFN debate after criticism of alleged PRC practices by media and human rights groups.
  - Congress is looking at several bills that would severely restrict entry of large categories of Chinese goods, limit banking relations, or put conditions on China's MFN status if we do not sign an effective MOU.
- o During the Secretary's November 1991 trip to Beijing, he and PRC Foreign Minister Qian Qichen agreed in principle on the elements of an MOU covering prompt investigation, information exchange, meetings between officials, and evidence sharing.
  - There was no agreement, however, on an explicit mechanism for joint investigations in China. To enforce our laws effectively, U.S. Customs needs assured access to suspect PRC facilities to verify Chinese investigations.
- o
- o When the Secretary met Justice Minister Cai Cheng in November, Cai stressed that China did not allow prison exports and sharply criticized Chinese dissident Harry Wu and the Congressional and "60 Minutes" use of his videotapes.
- o Since November, we have continued discussions on how the MOU will be implemented. A team from State and U.S. Customs went to Beijing for talks on April 23-24.

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- However, they clearly felt they would need to obtain a political go-ahead before they could look at specific changes in the MOU.
- The Justice Ministry continues to oppose visits by U.S. Customs officials, arguing unconvincingly that any foreign involvement in the Chinese legal system raises sovereignty questions.
- o We have proposed revisions to the MOU and an exchange of notes on Customs accreditation to follow up on the informal Chinese suggestion.
- We are pressing the Chinese for approval in time for you to sign the MOU during your trip.
- o U.S. Customs has actively pursued allegations of Chinese prison-made imports and aggressively enforced U.S. laws.
- Customs won a criminal conviction against one U.S. firm for importing machine presses from a Chinese prison, banned imports of diesel engines from another prison factory, and detained several other products pending investigation.

#### PRISONERS

- o The Justice Ministry grudgingly assembled the prisoners list response given to the Secretary in November, but has been reluctant to provide more details about the location and welfare of the prisoners.
- The ministry understands the broader foreign policy ramifications of their detention policies, and should be reminded that the holding of political and religious dissidents tarnishes China's international image and hampers development of Sino-U.S. relations.
- Minister Cai argued to the Secretary that conditions in Chinese prisons are among the best in the world and cited Warren Burger as praising China's penal system. Allegations to the contrary, he asserted, were slander and rumors fabricated by opponents of China.
- o The Secretary urged Cai to permit the International Committee of the Red Cross (ICRC) to have access to Chinese prisons. Cai argued incorrectly that the ICRC visited prisons only during times of war.
- Despite China's negative response so far, we need to continue to stress the need to provide some kind of regular international access to Chinese prisons. We can persuasively argue that such access is in China's interest as a means of rebutting unsubstantiated charges of torture and other mistreatment of prisoners.

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